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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

DAVID SCOTT CACCHIONE,

Defendant.

Case No. CV-09-1259 CRB

STIPULATION AND ~~PROPOSED~~ ORDER
TO EXTEND THE DEADLINE FOR THE
INITIAL CASE MANAGEMENT
CONFERENCE

[Civ. L.R. 7-12]

WHEREAS, the Securities and Exchange Commission ("Commission") brought the above-titled action against David Scott Cacchione ("Cacchione") on March 24, 2009;

WHEREAS, this Court entered Final Judgment as to all of the non-monetary relief sought by the Commission against Cacchione on March 31, 2009;

WHEREAS, the only remaining issue in the above-titled action is the amount of disgorgement and civil penalty to be imposed against Cacchione;

STIPULATION AND ~~PROPOSED~~ ORDER
EXTENDING CMC DATE

1 WHEREAS, Cacchione was initially scheduled to be sentenced in a related criminal action,
2 *United States of America v. David Scott Cacchione*, CR-09-00296 CRB, on August 4, 2009,

3 WHEREAS, Cacchione's sentencing date was postponed until September 29, 2009, and
4 postponed a second time until October 7, 2009;

5 WHEREAS Cacchione received a criminal sentence on October 7, 2009, which included a
6 restitution order of approximately \$47 million;

7 WHEREAS, Cacchione's criminal restitution order relates to the monetary relief sought by
8 the Commission;

9 WHEREAS, an initial Case Management Conference was scheduled to occur in the above-
10 titled matter on Friday, July 17, 2009 at 8:30 a.m. in this Court;

11 WHEREAS, the parties stipulated, and the Court ordered, to extend the date for such Case
12 Management Conference to January 8, 2010; and

13 WHEREAS, in the interest of efficiency, the parties seek to further extend the date of the
14 Case Management Conference until March 19, 2010, at which time the Commission can more fully
15 consider what additional remedies, if any, it will seek in light of the criminal sentence imposed by the
16 Court.

17 IT IS SO STIPULATED.

18 Dated: December 21, 2009

19 /s/
20 Marc J. Fagel
21 Mark P. Fickes
22 Kristin A. Snyder

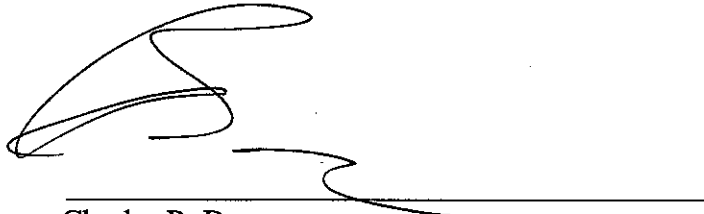
23 Attorneys for Plaintiff
24 SECURITIES AND EXCHANGE COMMISSION

25 Dated: December 21, 2009

26 /s/ David Scott Cacchione
27 David Scott Cacchione
28 11 Haciendas Drive
Woodside, CA 94062
Telephone: (650) 906-3620
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PURSUANT TO STIPULATION, IT IS SO ORDERED that the initial Case Management Conference in the above-titled action will be continued from Friday, January 8, 2010, 2009 to Friday, March 19, 2010.

Dated: DEC 29 2009, 2009



Charles R. Breyer
United States District Judge